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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/589,472

05/31/2007

Takeshi Hamada

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EXAMINER

CHEN, TIANJIE

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

05/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/589,472	HAMADA ET AL.	
	Examiner	Art Unit	
	Tianjie Chen	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,10 and 11 is/are rejected.
- 7) ☒ Claim(s) 2,8 and 9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Non-Final Rejection

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-7, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horikawa et al (JP 09-190672A) in view of Inada et al (JP 2003-162860A).

Claim 1, Horikawa et al shows a recording medium drive device that allows, among a plurality of kinds of recording media having different shapes, only a part of the recording media to be inserted therein (SOLUTION Section), the recording medium drive device including:

a stopper 17 (Figs. 6-8) that detects the difference in shape between the part of the recording media and the other recording media so as to prevent the other recording media from being inserted.

Horikawa does not show a cartridge with a projection on the surface. Inada shows a cartridge with a projection on the surface in Fig. 2 and teaches that this cartridge can prevent the invading of the dust ([0037]). One of ordinary skill in the art

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would have been motivated to apply this structure onto the cartridge in Horikawa's device. In such constructed device, the stopper detects a projection formed on an outer surface of a cartridge in which one of the other recording media is contained.

Claim 3, Horikawa et al shows the stopper includes a recording medium detector 16+18+20+22 that detects the difference in shape between the part of the recording media and the other recording media, and a stopper body 17 that interlocks with the recording medium detector to prevent the other recording media from being inserted.

Claim 4, Horikawa et al further shows a rotary shaft 23 that rotatably supports the stopper between the stopper body and the recording medium detector, the stopper body being provided on one side of the rotary shaft, and the recording medium detector being provided on the other side of the rotary shaft.

Claim 5, Horikawa et al shows that the stopper body 17 and the recording medium detector 16+18+20+22 are integrally formed with each other.

Claim 6, Horikawa et al further shows that the tip end of the recording medium detector is provided with a roller 16 that abuts on the recording medium so as to rotate.

Claim 7, Horikawa et al further shows that the stopper includes a biasing section 20 that biases the recording medium detector toward a direction in which the recording medium detector abuts on the recording medium.

Claim 10, Horikawa et al shows that the tip end of the stopper body is provided with an insertion preventer 25b that abuts on the other recording media to prevent the other recording media from being inserted.

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Claim 11, Horikawa et al show a tray 8 in Fig. 5 that mounts the recording media.

Allowable Subject Matter

3. Claims 2, 8, and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

- With regard to claim 2, as the closest reference of record, combination of Horikawa et al (JP 09-190672A) and Inada et al (JP 2003-162860A) discloses a recording medium drive device that allows, among a plurality of kinds of recording media having different shapes, only a part of the recording media to be inserted therein, the recording medium drive device including: a stopper that detects the difference in shape between the part of the recording media and the other recording media so as to prevent the other recording media from being inserted; and the stopper detects a projection formed on an outer surface of a cartridge in which one of the other recording media is contained; the recording medium drive device further includes a recording medium loading slot through which the part of the recording media can be inserted; and the stopper is provided substantially in the vicinity of the recording medium loading slot; **but fails to show** that the stopper is provided substantially in the vicinity of the center of the recording medium loading slot.

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- With regard to claims 8 and 9, combination of Horikawa et al and Inada **fails to show** that the biasing section is a torsion bar provided to the rotary shaft.
- Applicant asserts; “An object of the present invention is, in view of the foregoing disadvantages, to provide a recording medium drive device which can prevent erroneous insertion of different kind of recording medium” (Specification, p. 3).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is 571-272-7570. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tianjie Chen/

Primary Examiner, Art Unit 2627